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#### NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 3-96, CH-1

Subj: SECURITY FOR PASSENGER VESSELS AND PASSENGER TERMINALS

Ref: (a) Title 33 CFR Parts 120 and 128

- (b) Marine Safety Manual Vol. VII, Port Security, COMDTINST M16000.12
- (c) International Maritime Organization MSC/Circ. 443, "Measures to Prevent Unlawful Acts Against Passengers and Crews On Board Ships"
- (d) Physical Security Program, COMDTINST M5530.1A
- 1. <u>PURPOSE</u>. This Navigation and Vessel Inspection Circular (NVIC) describes the procedures required to implement the passenger vessel and terminal security regulations of Title 33 CFR, Parts 120 and 128 [reference (a)]. It provides guidance for processing Terminal and Vessel Security Plans, assessing the adequacy of those plans, and establishing annual reporting requirements, incident reporting, and threat dissemination procedures.
- 2. <u>ACTION</u>. Commanding Officer, National Maritime Center (NMC), Commanding Officers of Marine Safety Offices, and Captain's of the Port (COTP's) should comply with the requirements of this circular.
- 3. <u>DIRECTIVES AFFECTED</u>. This NVIC replaces NVIC 3-96. It affects Marine Safety Manual Vol. VII, Port Security, COMDTINST M16000.12, 2-C.1.b "Physical Security Assessments," and 2-D "Physical Security Standards" [reference (b)]. The information contained in this NVIC will be incorporated into the next change to reference (b).

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#### 4. BACKGROUND.

- (a) In 1985, a U.S. citizen was killed during the seizure of the ACHILLE LAURO. Since then, the vulnerability of passenger vessels and associated passenger terminals to acts of terrorism has been a significant concern for the international community.
- (b) To address this threat, the President signed into law the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99-399; 100 Stat. 889). Title IX of this law constitutes the International Maritime and Port Security Act. This act amended the Ports and Waterways Safety Act, which then provided the Coast Guard authority to "carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of terrorism." This law also required a proposed plan of action for implementation of security measures at U.S. ports and passenger vessels operating from those ports.
- (c) Also in 1986, the International Maritime Organization published MSC/Circ. 443 "Measures To Prevent Unlawful Acts Against Passengers and Crews On Board Ships" [reference (c)]. This document was the basis for much of the U.S. legislation and rulemaking that followed. In April 1987, the Coast Guard, published a notice in the Federal Register that listed voluntary security measures based upon reference (c). Since then, we have observed varying degrees of implementation of these measures aboard passenger ships and at passenger terminals. This inconsistency, coupled with the rising specter of domestic terrorism, indicated that establishment of minimum mandatory security requirements was necessary. So we published reference (a).

#### 5. APPLICABILITY.

- (a) <u>Is my passenger vessel subject to these regulations</u>? Reference (a) applies to passenger vessels when they are over 100 gross tons, carry more than 12 passengers for hire, and --
  - (1) make voyages lasting more than 24 hours, any part of which is on the high seas; and
  - (2) embark or disembark passengers in the United States or its territories.

Reference (a) does not apply to ferries that hold Coast Guard Certificates of Inspection endorsed for "Lakes, Bays, and Sounds," and that transit international waters for only short periods of time on frequent schedules. Reference (a) also does not apply to vessels which otherwise meet the applicability requirements of the regulations, but whose voyages do not last more than 24 hours, any part of which is on the high seas.

(b) <u>Is my passenger terminal subject to these regulations</u>? Reference (a) applies to all passenger terminals used for the assembling, processing, embarking, or disembarking of passengers or baggage for passenger vessels to which reference (a) applies.

## 6. PROCEDURES.

- (a) The Coast Guard must examine the Security Plans for passenger vessels and terminals. Passenger Vessel Security Plans are reviewed by the NMC. Passenger Terminal Security Plans are reviewed by the cognizant COTP. These Plans are exempt from disclosure under the Freedom of Information Act and are not releasable to the public.
- (b) Passenger vessels should only embark from or disembark to terminals that -
  - (i) hold an examined Terminal Security Plan; or
  - (ii) hold a letter from the COTP stating normal operations may continue until plan review is completed.

## How do I get my Vessel Security Plan examined by the Coast Guard?

- (1) Vessel operators are responsible for preparing and holding a Security Plan which meets the requirements of reference (a). You, as the operator, should submit two copies of the Plan to the NMC at least 60 days before embarking passengers on any voyages which cause the vessel to fall under this regulation. [Note: In some cases you may submit Terminal Security Plans, see Encl. (1) for guidance.]
- (2) If the NMC is unable to complete the review within 30 days after it receives a Vessel Security Plan, it will issue you a letter stating that the Vessel Security Plan is currently under review. The letter will grant permission for vessel operations to continue until the examination is completed. The NMC then has an additional 90 days to complete an examination and provide a response. The NMC has a total of 120 days after receiving the Plan to complete an examination and provide a response.
- (3) If the NMC finds that the Plan meets the requirements of reference (a), both copies will be marked "Examined by the Coast Guard". One copy will be returned to you, and the second copy will be forwarded to Commandant (G-MOR).
- (4) If the NMC finds that the Vessel Security Plan does not meet the requirements of reference (a), the Plan will be returned to you with an explanation of why it does not meet them. The second copy of the Plan, along with a copy of the response, will be retained by the NMC. Except in emergencies, the NMC will allow you 60 days to comply with the regulations.

## How do I get amendments to my Vessel Security Plan examined by the Coast Guard?

- (1) Each proposed amendment to the Plan initiated by you, including changes to the enclosures, should be submitted to the NMC for review at least 30 days before the amendment is to take effect. The NMC has the discretion to allow a shorter period of time. Copies of accepted amendments should be retained by Commandant (G-MOR).
- (2) In some instances, the COTP may give you an order to implement increased security measures immediately. The order will incorporate an explanation of the reasons for which the additional measures are necessary.
- (3) The COTP may annually make a brief examination of the vessel's security activities, during visits for other purposes, such as verification examinations. The review should ensure the vessel's security operations are consistent with the Plan. As with all other types of boardings or inspections, coordination with the senior personnel of the vessel is absolutely necessary. The review should -
  - (i) verify the presence of an examined Security Plan on board the vessel;
  - (ii) review reports of unlawful acts; and
  - (iii) observe the security practices actually in place.
- (4) No assessment should be made without the knowledge of you or your representative.

### How do I get my Terminal Security Plan examined by the Coast Guard?

- (1) Terminal operators are responsible for preparing and holding a Security Plan which meets the requirements of reference (a). You, as the operator, must submit two copies of the Plan to the COTP at least 60 days before passengers embark or disembark to or from a vessel. [Note: In some cases vessel owner/operators may submit Terminal Security Plans, see Encl. (1) for guidance.]
- (2) If the COTP is unable to complete the review within 30 days after receiving a Terminal Security Plan, he or she will issue you a letter stating that the Terminal Security Plan is currently under review. The letter will grant you permission for terminal operations to continue until the examination is completed. The COTP then has an additional 150 days to complete an examination and provide a response. The COTP has a total of 180 days after receiving the Plan to complete an examination and provide a response.
- (3) If the COTP finds that the Terminal Security Plan meets the requirements of reference (a), both copies will be marked "Examined by the Coast Guard", and one copy will be returned to you and the second copy will be retained.

(4) If the COTP finds that the Terminal Security Plan does not meet the requirements of reference (a), the Plan will be returned to you with an explanation of why it does not meet the regulations. The second copy of the Plan, along with a copy of the response, will be retained by the COTP. Except in emergencies, the COTP will allow you 60 days to comply with the regulations.

## How do I get amendments to my Terminal Security Plan examined by the Coast Guard?

- (1) Each proposed amendment to the Plan you initiate, including changes to enclosures, must be submitted to the COTP for review at least 30 days before the amendment is to take effect. The COTP has the discretion to allow a shorter period of time. Copies of accepted amendments should be retained by the COTP.
- (2) The COTP may give you an order to implement increased security measures immediately. The order will incorporate an explanation of the reasons for the COTP order.
- (3) The COTP should ensure that the Plan reflects the procedures actually in place by conducting annual onsite assessments. The port physical security checklist [enclosure 2-3 to reference (b)] is not required. This process supersedes the annual reporting requirement established by 2-C.1.b. "Physical Security Assessments" in reference (b). As with all other types of boardings or inspections, coordination with the terminal senior personnel is absolutely necessary. The assessment should -
  - (i) verify the presence of an examined Security Plan at the terminal;
  - (ii) review reports of unlawful acts; and
  - (iii) observe the security practices actually in place.
- (4) No assessment should be made without the knowledge of you or your designated representative.
- (c) <u>Enforcement</u>. The COTP may make use of enforcement tools such as Letters of Warning, Notices of Violation, and COTP Orders to gain compliance with this regulation. They may even use civil and criminal penalties authorized under the provisions of 33 U.S.C. 1221.
- (d) <u>Right of Appeal</u>. Any person directly affected by a decision or action taken by the NMC may appeal that action or decision to the Assistant Commandant for Marine Safety and Environmental Protection [Commandant (G-M)] according to the procedures in 46 CFR 1.03-15. Any person directly affected by a decision or action taken by the COTP may appeal that action or decision to the cognizant District Commander also according to the procedures in 46 CFR 1.03-15; and may appeal the District Commander's decision to the Commandant according to the procedures in 46 CFR 1.03-25.

#### 7. INCIDENT REPORTING.

- (a) Passenger vessel and terminal operators must report each breach of security, unlawful act, or threat of an unlawful act which threatens the security of passengers and crews on board a vessel or terminal. Each breach of security, occurrence or threatened occurrence of the introduction of dangerous substances or devices into the vessel or terminal must be reported in accordance with reference (a).
- (b) Each report must stay on file with the Security Plan for a period of two years. All reports should be used by the person preparing the ship's security survey.

### 8. SECURITY LEVELS.

- (a) In conjunction with the U.S. Department of Transportation's Office of Intelligence and Security, the Commandant may direct the implementation of nationwide and local Security Levels. The primary means of communicating security information will be Domestic Threat Advisories. These advisories will summarize the nature of the security threat and will specify changes, if any, to nationwide or local Security Levels. The COTPs will share the contents of these advisories with local industry either directly or through appropriate forums such as a Marine Exchange or Port Readiness Committee.
- (b) Area Commanders, District Commanders, and COTPs may declare a higher Security Level within their respective areas of responsibility, but may not declare a lower level than one imposed by a higher authority. A change in the local Security Level should be reported to Commandant (G-MOR) via message.
- (c) Terrorist Threat Conditions (THREATCONS) [see reference (d)] describe Coast Guard and inter-service support of U.S. military anti-terrorism activities. In other words, THREATCONS describe military security conditions. These THREATCONS are not, in any way, related to the security levels described in reference (a).
- (d) A Security Plan Evaluation Guide [enclosure (1)] was developed using guidelines in IMO Circular 443. It provides guidance to the industry, COTPs, and the NMC regarding the examination of plans and the security measures that passenger vessels and terminals should employ at Security Levels I, II, and III. The COTPs and District Commanders are encouraged to review local contingency plans to ensure that they are complementary to the measures that will be taking place within the industry. An underlying assumption in the development of the regulation and this circular is that at high security levels (or earlier, if warranted) the COTP and other appropriate Federal agencies will be actively involved in assuring the security of affected vessels and terminals. Coordination between the terminals, vessels, COTPs and other local, State, and Federal agencies is imperative for effective security.

R. C. NORTH

Assistant Commandant for Marine Safety and Environmental Protection

Encl: (1) Security Plan Evaluation Guide

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NOAA Fleet Inspection Office (1). U.S. Merchant Marine Academy (1). **GUIDE TO EVALUATING SECURITY PLANS** 

## GUIDE TO EVALUATING SECURITY PLANS

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#### **GUIDE TO EVALUATING SECURITY PLANS**

The National Maritime Center (NMC) and Captains of the Port (COTPs) should consider the guidelines contained here when reviewing Security Plans. They should bear in mind that the emphasis of the regulations is on developing a security system within a port area. It is essential that vessels, terminals, and law enforcement agencies agree and understand the system and be willing partners in its operation.

- A. <u>VESSEL SECURITY PLAN</u>. A Vessel Security Plan should be developed for each vessel. The Plan should be sufficiently flexible to take into account the level of security reflected in the Terminal Plan for each port at which the vessel intends to call. In this regard, there needs to be an agreement between the vessel and the terminal as to which entity will perform which security functions.
- B. TERMINAL SECURITY PLAN. Terminal Security Plans should be developed and maintained for each passenger terminal regardless of the scope of the operation. These Plans should contain an appropriate degree of security based upon local conditions and capabilities. Care should be taken to ensure that security standards are comparable with the anticipated operation based on the number of vessels calling and the number of passengers likely to be embarked or disembarked. In other words, if the terminal is to be used as an initial embarkation or final debarkation point for the majority of the passengers and if it handles luggage and or ship's stores, then a higher security standard should apply. However, if passengers only disembark for a short port visit, and no baggage or ship's stores are handled, then a lesser security standard should apply.

Since the regulations were implemented, many COTPs have found that not all terminals share equally in the process of security plan development. Many terminals that embark or disembark passengers are not solely in the business of passenger service and view their responsibilities as less than the vessel's responsibilities.

Because of contractual differences, the vessel will often assume more of the security burden than the terminal. Therefore, flexibility in determining or coordinating plan development is essential to ensure an adequate degree of security exists regardless of who submits the Security Plan.

The bottom line is that the Terminal Security Plan should contain sufficient local resources and contacts to provide security assets as needed for all three security levels and that the vessel, terminal, and law enforcement authorities are all involved in the Plan to ensure its success when activated.

- 1. Who should submit a Terminal Security Plan?
  - a. When should the vessel owner or operator submit a Terminal Security Plan?
    - (1) When there is an agreement with the owner or operator of the passenger terminal that the owner or operator of the vessel will submit the required Plan.
    - (2) When the owner or operator of the vessel has exclusive use of a pier and terminal building immediately adjacent to the pier and has complete control of the area.
    - (3) When there is no terminal.
    - (4) When passengers embark and or disembark and no baggage or stores are loaded or offloaded.

In situations (3) and (4) above, an annex to the Vessel's Security Plan may be used with the permission of the cognizant COTP. This annex may be in any form but must contain relevant contact numbers for the appropriate law enforcement agencies including the COTP.

- b. When should the terminal owner or operator submit a Terminal Security Plan?
  - (1) When there is an agreement with the owner or operator of a passenger vessel that the owner or operator of the terminal will submit the required Plan.
  - (2)(i) When no security agreement exists; or
    - (ii)(a) at least one vessel other than a passenger vessel uses the terminal:
      - (b) more than one passenger vessel uses the terminal; and
      - (c) the terminal loads or offloads baggage or stores.

# C. TABLE OF REQUIREMENTS.

Requirements	Vessels	Terminals
What are the objectives for the Security Plan?	The Plan should cover procedures for all three security levels that—  a. Deter unauthorized access to the vessel and its restricted areas;  b. Deter the introduction of prohibited weapons, incendiaries, and explosives aboard the vessel;  c. Encourage vigilance, as well as general awareness of security, aboard the vessel;  d. Provide adequate training to members of the crew for security aboard the vessel;  e. Coordinate responsibilities for security between the vessel operator and the operator of each terminal at which the vessel embarks and disembarks passengers;  f. Provide information to members of the crew and to lawenforcement personnel, in case of an incident affecting security;  g. Provide for amendment of the Plan to address any known deficiencies; and  h. Restrict the distribution, disclosure, and availability of information contained in the Plan to those persons with an operational need to know.	Same as Vessel
What should be in the Security Plan?	Vessels	Terminals
Security Officer	The security officer should be identified in the Security Plan. A list of responsibilities for the security officer and all other security functions should be clearly outlined.	Same as Vessel

Requirements	Vessels	Terminals
Requirements Security Survey  Standard Operating Procedures	Vessels  Security surveys should be updated at least yearly, or more frequently as needed. Each survey should include —  (1) The date of the survey; (2) Names of the owner and operator of the vessel; (3) The name, business address, and telephone number of the vessel security officer; (4) A description of the vessel that includes general layout of the ship; (5) Location of restricted areas; (6) The open deck arrangement including the height of the deck above the water; (7) Emergency and standby equipment available to maintain essential services; (8) Number of ships crew.  Any standard operating procedures related to security should be included in the Plan. These may include reporting procedures, watchstanding instructions, basic relief schedules, etc.	Terminals  1-3 are the same as Vessel.  (4) a description of the terminal that includes general layout and access points;  (5) intensity of security lighting;  (6) restricted areas;  (7) emergency equipment;  (8) location of firearms and ammunition at the terminal;  (9) list of persons authorized to carry firearms and type of firearms carried;  (10) number of security personnel employed; and  (11) number of other employees normally at the terminal when a vessel embarks and disembarks passengers.

Requirements	Vessels	Terminals
Requirements Barriers	Vessels Not in Vessel section	Barriers and their boundaries, when used between restricted and unrestricted areas in the terminal area, should be clearly defined by walls, fences, environmental design, or other security barriers that are either permanent or temporary in nature. They should be design, located, and constructed to –  (1) Delineate the area protected; (2) Create a physical and psychological deterrent to persons attempting unauthorized entry; (3) Delay intruders and enable security personnel to detect intruders; (4) Have a minimum number of openings that provide readily identifiable places for the controlled entry of persons and vehicles in to the restricted area; (5) Be secure when not watched by security personnel;
Alarms	Alarms, when used, should activate an audible or visual alarm when an intrusion is detected. The alarm should sound in a place which is continuously staffed by	security personnel; (6) When near roadways, must be reinforced to deter penetration by motor vehicles; (7) Be kept clear of trees, bushes, and other obstructions, and (8) Barriers may be permanent or temporary in nature.  Same as Vessel
Lighting	personnel with security responsibilities.  While in port, at anchor, or under way the ship's deck and overside should be illuminated in periods of darkness and restricted visibility, but not so as to interfere with required navigation lights and safe navigation.	Passenger terminal operators should provide security lighting between sunset and sunrise. All external lighting should be located or shielded so that it will not be confused with an aid to navigation and will not interfere with safe navigation.  - Illumination should light each exterior door, gate, fence, pier, wharf, or other point of access to the boarding area for passenger vessels.

Requirements	Vessels	Terminals
Communications	Communication should specify the kind of communications to use for	(1) Terminal security personnel must be able to communicate from
	a breach of security, an unlawful	their duty stations with
	act or other emergency.	-terminal security officer
	(1) Security personnel of the vessel	-communications center or
	should be provided a means of	-security personnel of the
	continuous communications, such	passenger vessel.
	as radio, telephone, or intercom, that enables them to communicate	(2) and (3) same as Vessel
	with the vessel security officer, the	
	navigational bridge,	
	communication centers, or security	
	personnel shoreside from their	
	duty stations. (2) Communications should be	
	established with each terminal at	
	which the vessel docks	
	immediately after mooring.	
	(3) A distress signal peculiar to	
	security, indicating a security alert, should be established.	
	alert, should be established.	
Screening	When screening is conducted, it	Same as Vessel
	may be done manually,	
	electronically, or by an equivalent	
	means acceptable to the NMC. Screening systems should be	
	capable of detecting prohibited	
	weapons, incendiaries, and	
	explosives under the Vessel	
	Security Plan.	
	(1) Anyone refusing to submit to a security screening at a point of	
	access should not board a vessel.	
	(2) Each person denied entry for	
	refusing to submit to a security	
	screening should be identified and	
	reported to appropriate authorities.  (3) Security equipment should be	
	kept in good working condition	
	and checked on a scheduled basis.	
	Records of checks should be	
	maintained.	
	(4) Procedures should be in place to ensure any defective or missing	
	security equipment is reported	
	immediately to the terminal	
	security officer.	

Requirements	Vessels	Terminals
Baggage	Each piece of baggage should be marked, labeled or tagged, or otherwise identified as belonging to a particular passenger. During Security Levels II and III, it should be compared against the official list of the vessel before being loaded aboard the vessel. Unidentified baggage should not be permitted aboard the vessel or within the boarding area.	Same as Vessel
Identification	Each passenger vessel operator should establish a system of identification and control of personnel for the vessel. The Plan should cover the following procedures for:  (1) Identifying each category of persons authorized to be aboard the vessel and each person authorized access to a restricted area aboard the vessel;  (2) Issuing an identification card to each member of the crew or other employee of the vessel (permanent identification cards should contain the cardholder's name, age, height, weight, eye color, expiration date, name of the company that employs the cardholder and a unique number). Other common forms of identification may also be acceptable, such as union cards and company ID as long as they contain photos or information that adequately describes the individual.  (3) Providing a temporary identification card to each contractor, vendor, and other visitor authorized access to a restricted area: (Once again, other forms of ID may be acceptable if the ID contains a photo of the individual and adequately describes them.)  (4) Identifying each passenger authorized to board the vessel by comparison against the official passenger list.	1-3 same as Vessel (4) Identifying each passenger, every time he or she enters the boarding area.

Requirements	Vessels	Terminals
Designated Restricted Areas	Designated restricted areas should be outlined in the security plan. Restricted areas should be appropriately secured with access limited to authorized personnel. Each restricted area should be secured and conspicuously marked stating that the area has restricted access. Passenger vessels should designate the following areas as restricted areas: (1) The navigational bridge; (2) The communications center or radio room; (3) The engine room; and (4) Any other areas as determined by the operator, to which access must be restricted to maintain the security of the vessel.	Passenger terminals should designate the following areas as restricted areas: (1) Points of access to the boarding area; (2) Boarding area for passengers adjacent to where such vessels moor, inside the security barriers and screening points; (3) Areas for the handling and storage of baggage and cargo; (4) Areas used to store weapons; (5) Control rooms for security alarms and monitoring devices; and (6) Any other areas, as determined by the operator, to which access must be restricted to maintain the security of the terminal and passenger vessels moored at the
Coordination	The Vessel Security Plan should outline all coordination plans and procedures established with the operator of each passenger terminal. The vessel need not duplicate any security provisions fulfilled by the terminal. All responsibilities should be clearly outlined in the Plan stating who is responsible for which actions on a port by port basis. Copies of agreements should be contained in the Security Plan.	terminal.  Same as Vessel

Requirements	Vessels	Terminals
Security Levels	There are three required security levels that the Security Plan should address. The Security Plan should include what is required and what actions must be taken at each Security Level. As a minimum, the following measures should be included:  (1) Security Level I  -Restricted areas should be included as part of the normal watch routine.  -Baggage, cargo, and stores should be randomly screened.  -Each piece of baggage should be marked, or tagged, or otherwise identified as belonging to a particular passenger.  (2) Security Level II  -The frequency of security rounds should be increased.  -The amount of baggage, cargo, and stores to be screened should be increased.  -Each passenger 18 years of age or older should hold a valid ticket and a valid photo identification document, such as a driver's license, passport, or armed forces identification card to enter the boarding area.  -Baggage should be compared against the official passenger list of the vessel before being loaded	Security Level I add —  -temporary or permanent barriers to maintain segregation between cleared and uncleared passengers and baggage should be utilized -each passenger should show a valid ticket issued by the cruise line to enter the boarding area.  Security Level II add—  -Temporary or permanent barriers to maintain segregation between cleared and uncleared passengers should be used. For temporary barriers consideration should be given to using an Intrusion Detection System or guards to enhance the level of security.
	aboard the vessel.  (3) Security Level III  -Restricted areas should have intrusion detection systems that activate an audible or visual alarm or guards should be posted outside.  -All baggage, cargo, and stores should be screened.  -All passengers and carry-on items should be screened.  -Each passenger should be compared to official passenger list before being allowed to board the vessel.  -Baggage should be compared	Security Level III add— -buildings and natural barriers such as water or ravines should be augmented by additional safeguards such as fences, walls, patrols, or surveillance.
	-Baggage should be compared against the official passenger list of the vessel before being loaded	

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	aboard the vessel.	
Requirements	Vessels	Terminals
Amendments	Amendments to the Security Plan must be included in the Security Plan. All amendments must bear the notation "Examined by the Coast Guard" and the date of examination.	Same as Vessel